

**MINUTES
LANCASTER COUNTY BOARD OF CORRECTIONS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 1, 2001
1:00 P.M.**

Commissioners Present: Bernie Heier, Chair
Kathy Campbell
Linda Steinman
Larry Hudkins
Bob Workman

Others Present: Michael Thurber, Corrections Director
Terry Weber, Jail Administrator
Kent Griffith, LCF Administrator
Kerry Eagan, Chief Administrative Officer
Dave Kroeker, Budget & Fiscal Director
Dennis Keefe, Public Defender
Gary Lacey, County Attorney
Kit Boesch, Human Services Director
Terry Wagner, County Sheriff
Owen Yardley, Deputy County Sheriff
Denise Bulling, Community Mental Health Center
Kim Etherton, CMHC, Crisis Center
Dave Voorhis, Voorhis/Robertson Justice Services, Inc.
Al Hall, Voorhis/Robertson Justice Services, Inc.
Lois Osburn, Corrections
Gwen Thorpe, Deputy County Clerk
Melissa Koci, County Clerk's Office

Heier opened the Board of Corrections meeting.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE NOVEMBER 16, 2000 BOARD OF CORRECTIONS MEETING

MOTION: Hudkins moved and Campbell seconded approval of the minutes. Workman, Steinman, Campbell, Hudkins and Heier voted aye. Motion carried.

2 POPULATION STATISTICS

A. Population Comments

Thurber reported total bookings are up 6% while the increase in lodgings is slightly higher at 8%. He said the average population has increased 13.6% and that statistics on a fiscal year basis show an even higher percentage increase of 20% from FY00 to FY01.

B. Population Graphs

See attached.

C. Monthly Statistical Reports

See attached.

3 NEEDS ASSESSMENT PROJECT UPDATE

Dave Voorhis, Consultant for Voorhis/Robertson Justice Services, Inc, appeared and indicated that his firm was hired last year to begin a needs assessment for the jail and find an easy solution to the overcrowded jail population. The jail population trends have increased at least 18% to 20% in one year and now it is over capacity. Voorhis suggested to the Board that a new jail be built to accommodate the overcapacity. He noted that a jail needs so many square feet per inmate, and that the current facility uses 556 square feet per inmate. He said jail costs are running at \$165 per square foot for construction, and project costs, such as engineering fees, landscaping and architectural fees will add another 33% to the cost.

Voorhis said it is easy for his firm to come in, show trend lines and growth and say that beds will be needed, but it is harder to change the criminal justice system than it is to come up with the monies to build a new jail. What he proposes is that the County Board appoint a Criminal Justice Policy Committee to develop and recommend system changes and that the policy group coordinate impacts on the Criminal Justice System. He said jail population is a result of two things - more people are being brought to jail and they are staying longer. He said a specific problem that has been identified by the people working in the system is that the jail is unable to accommodate the mental health problems that exist in the county. Voorhis said Denise Bulling's study shows that 76% of the people coming into the system have drug and alcohol problems. He said the County does have a couple programs that seem to work: one being Cornhusker Place Detoxification Center, which diverts drunk drivers out of jail; and the other being the Correction Facility.

Voorhis reported 72% of the people that were in jail in 2000 have been in the same jail before and 28% had not been at the Correction Facility previously. He said 95% of the people coming into the jail are Nebraska residents with 88% of those residents being from Lincoln.

He also reported 10% of admissions are DWI cases that don't go to Cornhusker Place Detoxification Center.

Voorhis stated 30% of the people coming into the jail are coming in on warrants issued by the court for their arrest. He said 95% of the warrants are considered misdemeanors, with failure to appear and failure to comply playing a big part of the warrants issued. Voorhis indicated the county bench warrants average length of stay is at least 6 days.

Voorhis noted there is not enough front end screening and believes they need to identify people who could be released earlier, either under supervised release or differently. He said 35% of the population that come to the jail are released in 1 day, 50% are released in 2 days and 60% are released in 3 days. He said 12% of the admissions to the jail are felony arrests. He added that front end screening is a control factor for the jail population.

Voorhis also reported the court and system representatives finished their second mapping session on February 28, 2001 and identified some things that could be changed to improve the system, but the bigger issue was a strong willingness to change on part of the system representatives. Voorhis suggested the Board establish a permanent criminal justice policy committee which would conduct studies, evaluate proposals, set policies and direction for the criminal justice system and help coordinate changes made in one system that will effect other systems. The committee would also establish groups and task forces to take on specific problems and provide additional information to do detailed studies.

Kathy Campbell asked if the consultants have evaluated the present Justice Council.

Voorhis said no.

Campbell said the Justice Council is a permanent policy committee of all the stakeholders who have offsetting committees.

Steinman said one of the problems they have encountered is that the judges don't come to the group meetings and asked Voorhis if the judges have been involved in the discussion.

Voorhis indicated all of the judges have been involved from the very beginning.

Gary Lacey, County Attorney, appeared and said there is not enough staff available to cover all of the bases and Kit Boesch is spread very thin around the City/County.

Al Hall asked if there was a Commissioner on the committee.

Steinman said no.

Hall said at both mapping sessions there were representatives from both courts at each meeting and they were there for the entire session.

Denise Bulling, Community Mental Health Center, appeared and commented that the CMHC and Substance Abuse Agencies have not been involved in the Justice Council and suggested that the CMHC and Crisis Center be involved to answer questions regarding substance abuse or mental health issues.

Hall indicated the people that should be involved in the process are a representative from both Law Enforcement Agencies, Prosecutor, Public Defender, a Judge from each level of Court, Director of Corrections, a Victim Advocate who is not publicly paid, a Board member and Mental Health and Alcohol & Drug Abuse representatives.

Lacey said the people in the community need to be convinced that the County doesn't need to build more jails, but spend more money on treatment. He suggested telling the Chamber of Commerce, LIBA, Realtors and hospitals because the public needs to be educated in the whole process. They need to know how the criminal justice works, about bonds, who gets let go and who doesn't, and how long it takes to get to trial. He said he has some ideas about what the County can do to spend less money and keep the jail population down other than building another jail.

Dennis Keefe, Public Defender, appeared and said the key is the judges. The judges need to be convinced as a group that some of the changes need to be made, then get everyone together and discuss it.

Voorhies stated they are currently involved in a project in Port Huron, Michigan where they are holding 10 - 12 public meetings within the next few months to get the word out to the public about what is happening in their criminal justice system.

Lacey reported a group of people he got together with suggested going to the Chief Justice who might be interested in trying some new things. He said there was a big article in the paper recently about the Chief Justice that might have some credibility as far as the other judges.

Terry Wagner, County Sheriff, appeared and agreed that the lack of all of the judges involvement is frustrating and indicated it has always been a problem no matter what the issue was. He agreed that talking with Justice Henry would be a great thing since he used to be a Lancaster County Court Judge.

Voorhis said he started out the presentation with a statement that the easiest solution is to build a jail because getting the judges to agree to a different path is more difficult than coming up with \$30 million.

Campbell disagreed and said the Board went through enormous battles on all kinds of fronts when the Corrections Facility was built 10 years ago. She said the public will demand to know why the judges aren't participating and why a new jail has to be built.

Steinman said if the public found out why most of the people were in jail, they would raise even more questions because so many are incarcerated who do not need to be there.

Kit Boesch, Human Services Director, appeared and indicated there are other ways to get the judges involved like having them sit in on key meetings. She suggested thinking of a strategy for involvement that is not necessarily the "traditional" way of involvement.

Voorhis said the 60% that are getting out of jail the first 3-days are going out not because they are posting bond, but for some other reason. He asked how many warrants the sheriff had on file.

Owen Yardley reported 8,117 warrants, which includes the police department.

Voorhis talked about the practice of letting people out of jail only to bring them back again because of failure to appear being an issue because of not being focused on outcomes. If we focus not only on getting them out of jail, but also focus on getting them to court, it will increase the potential of them appearing in court and reduces the potential of them committing a crime. This will solve part of the warrant problem.

Voorhis indicated that AI implemented a telephone calling system in which a computer called the defendant at home, two or three days in advance, to let them know their court date and it would call them up to 99 times a day until they punched in a pin number that stopped it for that day. He said this system has reduced the number of failures to appear.

Boesch asked for a breakdown of age groups that are incarcerated.

Voorhis said most of the inmates are under 35, with the largest group being 18 to 21 and then it evens out between 21 and 35.

Boesch said if the largest population is between 18 and 21, all that is being looked at is an extension of the Juvenile Justice System. Those are the transitional services for the adult kids who are 18 and have no assistance. If there were alternative programs for the 18 to 21 year olds, there wouldn't be as many of them in jail.

Yardley indicated he sees 3 groups regarding incarceration or using a program. The first group would readily use the program as opposed to going to jail, the third group would not go to the programs or anything and the second group is the group that opts to go to jail for a few days as opposed to a year probation.

Hill stated that it takes staff and resources to set up programs both inside and outside of jail, and jails usually operate with a tight budget.

Thurber said most people that are sentenced say they would rather spend the time in jail than do a year's probation or be drug tested, so in the past they've had choices.

Boesch asked if the law allows the latitude of not giving the person jail time as opposed to probation and can the judge say you must go through probation?

Lacey said if we wanted to revoke somebody's bond because they violated a condition of bond, a hearing can be done fairly quickly, but right now it takes a long time to get a hearing.

Boesch said in Juvenile Court, if someone breaks probation that person goes back into court. She said the probation officer has the option of notifying the courts that they broke probation or changing and enhancing their graduated sanctions so they have more sanctions.

Lacey said the law states that if someone violates probation, the probation officer lets the judge know, the judge takes a look at it and refers it to the County Attorney's Office. The County Attorney's Office then files an information for revocation of probation, which is served on the defendant, and the defendant is to appear in court in two or three weeks. The defendant comes to court and the judge says he will hear the case in another month, and so everyone has to be re-educated again.

Heier indicated he is anxious to see the results of some alternatives for incarceration and he will push the County Board to take a look at the Drug & Alcohol Program.

Campbell asked when the next meeting will be held.

Voorhis said April 1.

Campbell stated that Kit Boesch needs to be involved in the discussion.

4 ADJOURNMENT

MOTION: Campbell moved and Steinman seconded to adjourn the Board of Corrections meeting. Workman, Steinman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk